

Roy A. Combs, SBN 123507  
rcombs@fagenfriedman.com  
Joshua A. Stevens, SBN 228239  
jstevens@fagenfriedman.com  
FAGEN FRIEDMAN & FULFROST, LLP  
70 Washington Street, Suite 205  
Oakland, California 94607  
Phone: 510-550-8200  
Fax: 510-550-8211

Attorneys for Defendant GOVERNING BOARD  
OF THE MOUNT DIABLO UNIFIED SCHOOL  
DISTRICT

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

RICHARD HEYER,  
  
Plaintiff,

vs.

GOVERNING BOARD OF THE MOUNT  
DIABLO UNIFIED SCHOOL DISTRICT,  
  
Defendant.

CASE NO. CV10-4525-MMC

**JOINT STIPULATION AND ~~PROPOSED~~  
ORDER CONTINUING CASE  
MANAGEMENT CONFERENCE**

**SUBJECT TO THE APPROVAL OF THIS COURT, THE PARTIES HEREBY  
STIPULATE TO THE FOLLOWING:**

1. On or about March 4, 2011, Plaintiff Richard Heyer ("Plaintiff") served his Second Amended Complaint ("SAC") on the Defendant Governing Board of the Mount Diablo Unified School District ("Defendant").

2. On or about March 7, 2011, Defendants' counsel informed Plaintiff's counsel of Defendants' intention to file a motion to dismiss Plaintiff's Second Amended Complaint.

3. The parties stipulate to continue the case management conference, currently scheduled for March 18, 2011, and all respective ADR and Rule 26 deadlines, pending the

1 outcome of the hearing on Defendants' motion to dismiss Plaintiff's Second Amended Complaint.

2 **SO STIPULATED.**

3 DATED: March 8, 2011.

Respectfully submitted,

4 FAGEN FRIEDMAN & FULFROST, LLP

5  
6 By: /s/ Joshua A. Stevens

7 Joshua A. Stevens

8 Attorneys for Defendant GOVERNING BOARD  
9 OF THE MOUNT DIABLO UNIFIED SCHOOL  
10 DISTRICT

11 DATED: March 8, 2011.

Respectfully submitted,

12 LAW OFFICES OF CURTIS G. OLER

13 By: /s/ Curtis G. Oler

14 Curtis G. Oler

15 Attorney for Plaintiff RICHARD HEYER

Fagen Friedman & Fulfrost, LLP

70 Washington Street, Suite 205


Oakland, California 94607

Main: 510-550-8200 • Fax: 510-550-8211

~~PROPOSED~~ ORDER

IT IS HEREBY ORDERED, pursuant to the above Stipulation of the parties, that the case is continued to May 27, 2011, management conference, currently scheduled for March 18, 2011, and all respective ADR and Rule 26 deadlines are continued. <sup>likewise</sup> ~~pending the outcome of the hearing on Defendants' motion to dismiss Plaintiffs Second Amended Complaint.~~

DATED: March 9, 2011

  
Hon. Maxine M. Chesney  
UNITED STATES DISTRICT JUDGE

00283.00141/238057.1

Fagen Friedman & Fulfrost, LLP  
70 Washington Street, Suite 205  
Oakland, California 94607  
Main: 510-550-8200 • Fax: 510-550-8211